

# ARKANSAS SUPREME COURT

No. CR 09-124

JOE FRANCIS ROUNSAVILLE  
Appellant

v.

STATE OF ARKANSAS  
Appellee

Opinion Delivered May 14, 2009

APPELLEE STATE'S MOTION TO  
DISMISS APPEAL [CIRCUIT COURT  
OF PULASKI COUNTY, CR 2006-964,  
HON. WILLARD PROCTOR, JR.,  
JUDGE]

MOTION GRANTED; APPEAL  
DISMISSED.

## PER CURIAM

In 2006, appellant Joe Francis Rounsaville was found guilty by a jury of rape, kidnapping and third-degree domestic battering. The trial court merged the battering conviction into the felony convictions for rape and kidnapping, and appellant was sentenced to an aggregate term of 120 months' imprisonment. We affirmed. *Rounsaville v. State*, 372 Ark. 252, 273 S.W.3d 486 (2008).

Subsequently, appellant timely filed in the trial court a verified pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. The trial court denied the petition after conducting two hearings on the matter, and appellant has lodged a pro se appeal here from the order.

Appellant was advised that his brief-in-chief was due here March 18, 2009. He has not filed a brief nor has he sought leave to file a belated brief. The appellee State now asks that the appeal be dismissed for appellant's failure to pursue the appeal. The motion is granted pursuant to Arkansas Supreme Court Rule 4-5.

Motion granted; appeal dismissed.